



**DETERMINATION BY PRIVATE RENTED HOUSING COMMITTEE re RENT
RELIEF ORDER**

**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE
UNDER SECTION 26(1) OF THE HOUSING (SCOTLAND) ACT 2006**

In connection with

**Property at The Lodgehouse, 2A Vernonholme, Riverside Drive, Dundee
DD2 1QH
(hereinafter referred to as "the house")**

**SAMANTHA COOK, residing at The Lodgehouse, 2A Vernonholme, Riverside
Drive, Dundee DD2 1QH ("the Tenant")**

L P RIDDOCH LTD (In Administration) ("the Landlord")

Reference PRHP/RP/14/0238

FACTUAL BACKGROUND

The committee makes reference to the facts, circumstances and their Decision and Reasons in the corresponding Determination by the committee of even date regarding the Landlord's failure to comply with the Repairing Standard Enforcement Order dated 5 March 2015. Said Determination is referred to for its terms and held to be incorporated herein for the sake for brevity. The committee has unanimously decided that in terms of Section 26(1) of the Act the Landlord has failed to comply with the Repairing Standard Enforcement Order and direct that a Notice of Failure be served on the Local Authority in which the house is situated. The committee does not consider that the failure to comply with the Repairing Standard Enforcement Order is due to a lack of necessary rights of access or otherwise as the Landlord possesses rights for access under Section 181(4) of the Act and the Tenant, in the view of the committee, is co-operating with repair works and has provided the Landlord with a set of keys. Ample opportunity has been provided to the Landlord to carry out works. The Landlord's actions throughout this process has been dilatory.

DETERMINATION AND REASONS

Having determined that the Landlord has failed to comply with the Repairing Standard Enforcement Order, the committee has proceeded to consider if a reduction in rent is appropriate and, if so, the appropriate level of reduction. Given the delays in carrying out the works in the Repairing Standard Enforcement Order, the inconvenience and disruption to the Tenant of ongoing works and the co-ordination of them, and the impact of the defects of the Tenant's enjoyment of the property, the committee considers that a reduction in the rental due for the property

by 10% is appropriate in the circumstances and the committee makes a Rent Relief Order in terms of Section 27 of the Act.

RIGHT OF APPEAL

A Landlord or Tenant aggrieved by the decision of the Private Rented Housing Committee may appeal to the Sheriff by Summary Application within 21 days of being notified of that decision.

The appropriate respondent in such appeal proceedings is the other Party to the proceedings and not the Private Rented Housing Panel or the Committee which made the decision.

Effect of Section 63

Whereas such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect 28 days from the day on which the appeal is abandoned or so determined.

R. Mill

Chairperson

Date: 9 July 2015